

## General Civil and Domestic Relations Case Filing Information Form

FILED IN OFFICE  
CLERK OF STATE COURT  
COFFEE COUNTY, GEORGIA  
**STC2018000103**

JUL 25, 2018 03:17 PM

☐ Superior or ☒ State Court of Coffee County

For Clerk Use Only

Date Filed 07-25-2018 Case Number STC2018000103  
MM-DD-YYYY

*Angela Spell-Hutto*  
Angela Spell-Hutto, Clerk  
Coffee County, Georgia

## Plaintiff(s)

Walker, Pamela Ms.

Last	First	Middle I.	Suffix	Prefix

## Defendant(s)

Walmart Stores, East LP and John Dos No. 1-10

Last	First	Middle I.	Suffix	Prefix

Plaintiff's Attorney JENKINS, JACKBar Number 390582 Self-Represented ☐

## Check One Case Type in One Box

## General Civil Cases

- ☐ Medical Malpractice Tort  
☐ Product Liability Tort  
☐ Automobile Tort  
☒ General Tort  
☐ Contract  
☐ Real Property  
☐ Civil Appeal  
☐ Habeas Corpus  
☐ Restraining Petition  
☐ Injunction/Mandamus/Other Writ  
☐ Garnishment  
☐ Landlord/Tenant  
☐ Other General Civil

## Domestic Relations Cases

- ☐ Dissolution/Divorce/Separate Maintenance  
☐ Paternity/Legitimation  
☐ Support – IV-D  
☐ Support – Private (non-IV-D)  
☐ Adoption  
☐ Family Violence Petition  
☐ Other Domestic Relations

## Post-Judgement – Check One Case Type

- ☐ Contempt  
☐ Non-payment of child support, medical support, or alimony.  
☐ Modification  
☐ Administrative/Other

- ☐ Check if the action is related to another action(s) pending or previously pending in this court involving some or all the same parties, subject matter, or factual issues. If so, provide a case number for each.

Case Number

Case Number

- ☒ I hereby certify that the documents in this filing, including attachments and exhibits, satisfy the requirements for redaction of personal or confidential information in O.C.G.A. §9-11-7.1.

- ☐ Is interpreter needed in this case? If so, provide the language(s) required. Language(s) Needed

- ☐ Do you or your client need any disability accommodations? If so, please describe the accommodation request.

STATE COURT OF COFFEE COUNTY  
STATE OF GEORGIA

FILED IN OFFICE  
CLERK OF STATE COURT  
COFFEE COUNTY, GEORGIA  
**STC2018000103**

JUL 25, 2018 03:17 PM

  
Angela Spell-Hutto, Clerk  
Coffee County, Georgia

CIVIL ACTION NUMBER STC2018000103

Walker, Pamela Ms.

PLAINTIFF

VS.

Walmart Stores, East LP and John Dos No. 1-  
10

DEFENDANT

SUMMONS

TO THE ABOVE NAMED DEFENDANT:

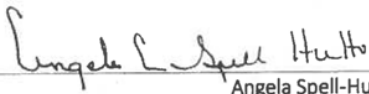
You are hereby summoned and required to file with the Clerk of said court and serve upon the Plaintiff's attorney, whose name and address is:

**JACK JENKINS**  
Dozier Law Firm, LLC  
327 Third Street  
P. O. Box 13  
Macon, Georgia 31201-0013

an answer to the complaint which is herewith served upon you, within 30 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint.

This 25th day of July, 2018.

Clerk of State Court

  
Angela Spell-Hutto, Clerk  
Coffee County, Georgia

# SHERIFF'S ENTRY OF SERVICE

Civil Action No. <u>STC2018000103</u>	Superior Court <input type="checkbox"/>	Magistrate Court <input type="checkbox"/>
Date Filed <u>07/25/18 03:17 PM</u>	State Court <input checked="" type="checkbox"/>	Probate Court <input type="checkbox"/>
	Juvenile Court <input type="checkbox"/>	
Attorney's Address <b>JACK JENKINS</b> <b>Dozier Law Firm, LLC</b> <b>327 Third Street</b> <b>P. O. Box 13</b> <b>Macon, Georgia 31201 0013</b>	Georgia, <u>COFFEE</u> COUNTY	
	Walker, Pamela Ms.	
		Plaintiff
	VS.	
Name and Address of Party to be Served. <u>Walmart Stores, East LP and John Dos No. 1-10</u>	Walmart Stores, East LP and John Dos No. 1-10	
		Defendant
<u>Registered Agent: 2180 Satellite Blvd, Suite 400</u>		
<u>Douglas, Georgia 30097</u>		Garnishee

## SHERIFF'S ENTRY OF SERVICE

PERSONAL

☐ I have this day served the defendant \_\_\_\_\_ personally with a copy of the within action and summons.

NOTORIOUS

☐ I have this day served the defendant \_\_\_\_\_ by leaving a copy of the action and summons at his most notorious place of abode in this County.

☐ Delivered same into hands of \_\_\_\_\_ described as follows: age, about \_\_\_\_\_ years; weight \_\_\_\_\_ pounds; height, about \_\_\_\_\_ feet and \_\_\_\_\_ inches, domiciled at the residence of defendant.

CORPORATION

☐ Served the defendant \_\_\_\_\_ a corporation by leaving a copy of the within action and summons with \_\_\_\_\_ in charge of the office and place of doing business of said Corporation in the County.

TACK & MAIL

☐ I have this day served the above styled affidavit and summons on the defendant(s) by posting a copy of the same to the door of the premises designated in said affidavit, and on the same day of such posting by depositing a true copy of the same in the United States Mail, first class in an envelope properly address to the defendant(s) at the address shown in said summons, with adequate postage affixed thereon containing notice to the defendant(s) to answer said summons at the place stated in the summons.

NON EST

☐ Diligent search made and defendant \_\_\_\_\_ not to be found in the jurisdiction of this court.

This \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_

Deputy

FILED IN OFFICE  
CLERK OF STATE COURT  
COFFEE COUNTY, GEORGIA  
**STC2018000103**

JUL 25, 2018 03:17 PM

IN THE STATE COURT OF COFFEE COUNTY  
STATE OF GEORGIA

*Angela Spell-Hutto*  
Angela Spell-Hutto, Clerk  
Coffee County, Georgia

PAMELA WALKER,

Plaintiff,

v.

Civil Action No. \_\_\_\_\_

WAL-MART STORES EAST, LP,  
And JOHN DOES NOS. 1-10,

Defendants,

**ORIGINAL COMPLAINT FOR DAMAGES**

COMES NOW, Plaintiff Pamela Walker, by and through her undersigned attorneys of record, and hereby files this Complaint for Damages, respectfully showing the following:

**PARTIES AND JURISDICTION**

1.

The Defendant Wal-Mart Stores East, LP (hereinafter "Wal-Mart") is a foreign profit corporation that maintains its principle office address and registered agent in Gwinnett County, Georgia; however, it is subject to the venue and jurisdiction of this Court, pursuant to O.C.G.A. §14-2-510.

2.

The Defendant John Does Nos. 1-10, at all times relevant to this Complaint for Damages, was and is a manager, employee, and/or agent of the Defendant Wal-Mart, subjecting him to the jurisdiction and venue of this Court as a joint tortfeasor.

3.

The Plaintiff, Pamela Walker, is a resident of the State of Georgia and voluntarily avails herself of the jurisdiction and venue of this Court.

#### **GENERAL ALLEGATIONS**

4.

Plaintiff Walker re-alleges and incorporates herein the allegations contained in paragraphs 1 through 3 above as if they were fully restated.

5.

The Defendant Wal-Mart owns and/or the retail store and premises located at 1450 Bowens Mill Road South East, Douglas, Georgia 31533 (hereinafter "subject premises").

6.

On or about December 14, 2016, on the subject of the premises, the Plaintiff, as an invitee, slipped and fell due to a hazardous condition in the entrance of the Defendant's Wal-Mart Supercenter.

**NEGLIGENCE OF THE DEFENDANTS**

7.

Plaintiff Walker re-alleges and incorporates herein the allegations contained in paragraphs 1 through 6 above as if they were fully restated.

8.

The Defendant John Does Nos. 1-10, a manager, employee, and/or agent of the Defendant Wal-Mart, was negligent by failing to discover the hazardous condition, by failing to remove the hazard, by failing to provide adequate warning of the hazardous condition, and by failing to use ordinary care in preventing the hazardous condition that could result in such a slip and fall.

9.

The Defendant Wal-Mart, the owner and/or operator of the subject premises, was negligent by failing to discover the hazardous condition, by failing to remove the hazard, by failing to provide adequate warning of the hazardous condition, and by failing to use ordinary care in preventing the hazardous condition that could result in such a slip and fall, and by hiring and retaining an unsafe employee(s), to wit: Defendant John Does Nos. 1-10.

**THEORIES OF LIABILITY**

10.

Plaintiff Walker re-alleges and incorporates herein the allegations contained in paragraphs 1 through 9 above as if they were fully restated.

11.

The Plaintiff has a cause of action against the Defendant John Does Nos. 1-10 for negligence and all other applicable theories of liability.

12.

The Plaintiff has a cause of action against the Defendant Wal-Mart for negligence, negligent hiring and retention of an unsafe employee(s), respondeat superior, and all other applicable theories of liability.

**DAMAGES**

13.

Plaintiff Walker re-alleges and incorporates herein the allegations contained in paragraphs 1 through 12 above as if they were fully restated.

14.

As a proximate and foreseeable result of the Defendants' negligence, the Plaintiff was seriously injured and has incurred medical expenses.

15.

In addition to paragraph 7, the Plaintiff has endured and will continue to endure pain and suffering.

16

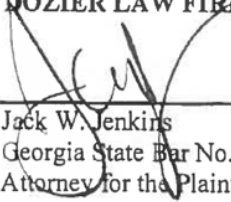
The Plaintiff is entitled to recover from the Defendants for her past and future medical expenses, lost wages, past and future pain and suffering, and all other Damages permitted by Law.

WHEREFORRE, Plaintiff prays that she have a judgement against the Defendants in an amount determined by a fair and impartial jury to be adequate and just.



Respectfully submitted this the 25 <sup>July</sup> day of June, 2018.

**DOZIER LAW FIRM, LLC**

  
\_\_\_\_\_  
Jack W. Jenkins  
Georgia State Bar No.: 390582  
Attorney for the Plaintiff



**PLEASE HAVE THE SHERIFF SERVE THE DEFENDANT AT THE FOLLOWING:**

Wal-Mart Stores East, LP  
Registered Agent:  
Corporation Service Company  
2180 Satellite Blvd.  
Suite 400  
Douglas, Georgia 30097

FILED IN OFFICE  
CLERK OF STATE COURT  
COFFEE COUNTY, GEORGIA  
**STC2018000103**

AUG 30, 2018 02:37 PM

*Angela Spell-Hutto*  
Angela Spell-Hutto, Clerk  
Coffee County, Georgia

IN THE STATE COURT OF COFFEE COUNTY  
STATE OF GEORGIA

PAMELA WALKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	FILE NO. STC2018000103
WAL-MART STORES EAST, LP	)	
And JOHN DOES NOS. 1-10,	)	
	)	
Defendants.	)	

**ANSWER AND DEFENSES TO PLAINTIFF'S COMPLAINT**

COMES NOW, Defendant Wal-Mart Stores East, LP, and files this Answer and Defenses to Plaintiff's Complaint and shows the Court as follows:

**First Defense**

Pending additional investigation and discovery, Plaintiff's Complaint, taken as a whole, may fail to state a claim against one or more Defendants upon which relief may be granted.

**Second Defense**

Pending additional investigation and discovery, Defendant affirmatively preserves any and all defenses based on the doctrine of laches and/or the applicable statute of limitations.

**Third Defense**

Pending additional investigation and discovery, Defendant states that Plaintiff's alleged injuries and damages were caused or contributed to by Plaintiff's actions.

**Fourth Defense**

Pending additional investigation and discovery, Defendant states that Plaintiff's alleged injuries and damages were caused or contributed to by another party's actions.

**Fifth Defense**

Defendant denies that Defendant or Defendant's agents or employees were negligent in any way in connection with the incident which is the subject of this litigation.

**Sixth Defense**

Defendant breached no duty owed to Plaintiff.

**Seventh Defense**

Plaintiff may not recover against Defendant because no act or omission of Defendant was the legal cause or the proximate precipitating cause of Plaintiff's alleged injuries and damages.

**Eighth Defense**

Pending further investigation and discovery, Defendant asserts the defenses of contributory and comparative negligence.

**Ninth Defense**

Plaintiff may not recover against Defendant due to Plaintiff's equal or superior knowledge of any condition which she alleges resulted in this event.

**Tenth Defense**

Plaintiff failed to exercise ordinary care for her own safety.

**Eleventh Defense**

Defendant denies any and all allegations regarding negligent inspection and failure to warn.

**Twelfth Defense**

Plaintiff is not entitled to any special damages to the extent that Plaintiff has failed to specifically plead them in accordance with O.C.G.A. § 9-11-9(g).

**Thirteenth Defense**

Plaintiff is not entitled to attorney's fees, expenses, post-judgment interest or pre-judgment interest under the facts of this case. Further, Defendant preserves all rights against Plaintiff to the extent these claims are asserted without any justifiable basis in fact or law. If Plaintiff's claims are determined to be false or fraudulent, Defendant reserves the right to seek all sanctions against all persons allowed by law.

**Fourteenth Defense**

Pending further investigation and discovery, Defendant reserves the right to assert all affirmative defenses available under the Georgia Civil Practice Act.

**Fifteenth Defense**

In answer to the specific allegations of Plaintiff's Complaint, Defendant shows the Court as follows:

**PARTIES AND JURISDICTION**

1.

Denied as pled.

2.

Denied.

3.

Defendant does not have sufficient information at this time to admit or deny the allegations contained within Paragraph 3 of Plaintiff's Complaint, and places Plaintiff on strict proof of same.

**GENERAL ALLEGATIONS**

4.

Defendant re-states the information set forth in Paragraphs 1-3 herein.

5.

Denied as pled.

6.

Denied as pled.

**NEGLIGENCE OF THE DEFENDANTS**

7.

Defendant re-states the information set forth in Paragraphs 1-6 herein.

8.

Denied.

9.

Denied.

**THEORIES OF LIABILITY**

10.

Defendant re-states the information set forth in Paragraphs 1-9 herein.

11.

Denied.

12.

Denied.

**DAMAGES**

13.

Defendant re-states the information set forth in Paragraphs 1-12 herein.

14.

Denied.

15.

Denied as pled.

16.

Denied.

17.

Defendant denies all allegations contained within Plaintiff's "prayer for relief" which appears immediately after the 16<sup>th</sup> paragraph of Plaintiff's Complaint.

18.

Defendant denies all other allegations of the Complaint which have not been specifically responded to in the previous paragraphs.

**DEFENDANT HEREBY DEMANDS TRIAL BY JURY OF TWELVE  
REGARDING ANY ISSUES NOT SUBJECT TO SUMMARY ADJUDICATION.**

Having fully answered, Defendant prays that it be discharged with all costs cast against Plaintiff.

Respectfully submitted, this 30<sup>th</sup> day of August, 2018.

**DREW, ECKL & FARNHAM, LLP**



Jeffrey S. Ward  
Georgia Bar No. 737277

Lisa N. Higgins  
Georgia Bar No. 352020

*Attorneys for Defendant Walmart*

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Brunswick, Georgia 31520  
(912) 280-9662  
[jward@deflaw.com](mailto:jward@deflaw.com)  
[lhiggins@deflaw.com](mailto:lhiggins@deflaw.com)



IN THE STATE COURT OF COFFEE COUNTY  
STATE OF GEORGIA

PAMELA WALKER,	)	
	)	
Plaintiff,	)	
	)	
v.	)	CIVIL ACTION
	)	FILE NO. STC2018000103
WAL-MART STORES EAST, LP	)	
And JOHN DOES NOS. 1-10,	)	
	)	
Defendants.	)	

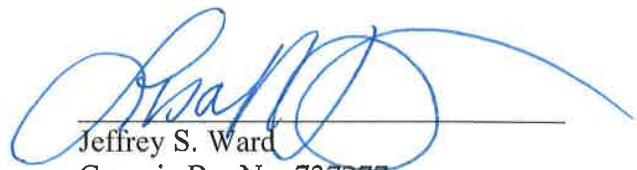
**CERTIFICATE OF SERVICE**

This is to certify that I have this day forwarded, via United States Mail, postage prepaid, a true and correct copy of the foregoing *Answer and Defenses to Plaintiff's Complaint* to the following counsel of record, addressed as follows:

Jack W. Jenkins  
Dozier Law Firm, LLC  
327 Third Street  
Post Office Box 13  
Macon, Georgia 31202-0013

This 30<sup>th</sup> day of August, 2018.

**DREW, ECKL & FARNHAM, LLP**

  
\_\_\_\_\_  
Jeffrey S. Ward  
Georgia Bar No. 737277  
Lisa N. Higgins  
Georgia Bar No. 352020  
Attorneys for Defendant Walmart

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